IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5353 of 2005

Between:

Md.Ghouse Pasha,
APSRTC, Nagar Kurnool, Mahaboobnagar District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Shadnagar, Mahaboobnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus, declaring the office order dated 27-8-1991 as illegal and arbitrary and set aside the same with all consequential benefits including arrears.

Counsel for the Petitioner:MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 27.08.1991 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one annual increment without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on notional calculation. No costs.

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(K.C.BHANU,J)

Dt:26th April, 2005

Usd

To

1) The Depot Manager, APSRTC, Shadnagar, Mahaboobnagar District.

2) 2 CD copies

3) 1 CC to MR.GOVINDA RAJULU

4) 1 CC to MR.GOVINDA RAJULU

*Form-NIC-OGS/WP{**JA**}*